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<b>PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)</b>	Docket Number (Optional) <b>AM9-99-0216</b>
First Named Inventor: <b>Stefan Edlund</b> Application Number: <b>09/531,016</b> Filed: <b>3/20/2000</b>	Art Unit: <b>2174</b> Examiner: <b>Thanh T. Vu</b>
Title: <b>System and Method for Scheduled Events to Subscribe to Live Information Topics</b>	
Attention: Office of Petitions <b>Mail Stop Petition</b> Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	
NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.	
The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for filing in the Office notice or action plus any extensions of time actually obtained.	
<b>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.</b> NOTE: A grantable petition requires the following items:	
(1) Petition fee. (2) Reply and/or issue fee. (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995, and for all design applications; and (4) Adequate showing of the cause of unavoidable delay.	
<b>1. Petition fee</b>	
<input type="checkbox"/> Small entity – fee \$ _____ (37 CFR 1.17(l)). Applicant claims small entity status. See 37 CFR 1.27.	
<input checked="" type="checkbox"/> Other than small entity – fee \$ <u>500.00</u> (37 CFR 1.17(l)).	
<b>2. Reply and/or fee</b>	
<b>A</b> The reply and/or fee to the above-noted Office action in the form of _____ (identify the type of reply):	
<input type="checkbox"/> has been filed previously on _____ .	
<input type="checkbox"/> is enclosed herewith.	
<b>B</b> The issue fee of \$ <u>1400.00</u>	
<input type="checkbox"/> has been filed previously on _____ .	
<input checked="" type="checkbox"/> is enclosed herewith.	

# **PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)**

## 3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

## **WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

/ramrajsoundararajan/

07/11/2007

Signature

Date

Ramraj Soundararajan

53, 832

Typed or printed name

Registration Number, if applicable

9435 Lorton Market Street #801

(571) 642-0033

Address

Telephone Number

Lorton, VA 22079

Address

Enclosure ☒ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unavoidable delay

☐ \_\_\_\_\_

## **CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))**

I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

Date

Signature

Typed or printed name of person signing certificate

# PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)

**NOTE:** The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

<u>/ramrajsoundararajan/</u> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> Signature <u>Ramraj Soundararajan</u> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> Typed or printed name	<u>07/11/2007</u> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> Date <u>53,832</u> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> Registration Number, if applicable
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(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)  
 A notice of abandonment was received on 6/04/2007 with respect to the above-referenced case. It was determined that the above application had become abandoned for failure paying the issue fee in response to the Notice of Allowance mailed out on 02/01/2007. Applicants' representative is establishing unavoidable delay based on the failure to receive the Notice of Allowance dated 02/01/2007 (see In Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971), where the court decided that an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment). As per the guidelines set forth in the MPEP, Applicants' representative, Mr. Ramraj Soundararajan, hereby attests that the Office communication of 02/01/2007 was not received by the practitioner. Further, as per MPEP guidelines, Applicants' representative, Mr. Ramraj Soundararajan, hereby also attests that a thorough search of the file jacket and docket records were conducted in the month of June which indicated that the Office communication of 02/01/2007 was never received.

As evidentiary support, Applicants respectfully submit screenshots of the docketing software Flextrac in pages 1 through 2 of APPENDIX A. As a first step in our docketing procedure, Flextrac software is updated when a new communication is received from the USPTO. Upon electronic entry of this information, Flextrac automatically reminds Applicants of upcoming deadlines. As a second step, a second reminder is created in Microsoft Outlook with the same deadline. With respect to the above-referenced case and as can be seen from the screen shots, there was no entry in Flextrac. Similarly, a review of Outlook records also fail to indicate the creation of a deadline for the Issue Fee deadline. Also provided as evidentiary support on page 3 of APPENDIX A is a copy of the File Jacket associated with the above-referenced case. It can be seen from the file jacket that last Office action received refers to the Appeal Brief Decision of 08/31/06. Had the Notice of Allowance been received on 02/01/2007, an entry would have been made on the File Jacket corresponding to the same.

Hence, at least for the reasons set forth above, Applicants respectfully request the withdrawal of abandonment with regards to the above-referenced case.  
 (Please attach additional sheets if additional space is needed.)

## APPENDIX A

[illegible][illegible]







 Sube - Microsoft Outlook | **Wichita Case Tracking Sheet** | Patient Case History | Documents - Microsoft... | 1/26/2018 12:28 PM

Start | Microsoft Outlook | MS 365 Case Tracking System | Patient Case History | Document2 - Microsoft Word | 12/27/2024

Edlund et al.

**"A System and Method for Scheduled  
Events to Subscribe to Live  
Information Topics"**

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SERIAL NO. 09/531,016 FILED 3-20-00 CONFIRMATION NO. 6342

PATENT NUMBER \_\_\_\_\_ ISSUED \_\_\_\_\_

OFFICE ACTIONS	AMENDMENTS
10/24/02 - OA rec'd	1/24/03 - amendment filed
07/29/03 - OA received <sup>Final</sup>	10/21/03 - RCE Filed
1/28/04 - OA mailed	11/7/03 - Pre-Amendment filed
7/15/04 - FDA mailed	4/28/04 - Amendment Filed
	5/26/04 - Supplemental Amendment filed
	10/15 Notice of Appeal
	12/15 Appeal Brief
4/21/05 Exam. Answer	6/21/05 Reply Brief
8/31/06 Decision on Appeal - Reversed	

CLIENT or TITLE  
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CANADIAN

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